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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

BURNHAM, SARAH C

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,136

Applicant(s)

DAVIS ET AL.

Examiner

Sarah C. Burnham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-24, 26-32 is/are rejected.
- 7) ☒ Claim(s) 25 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 13, 2004.
2. Applicant's election with traverse of claims 16-33 in the reply filed on December 13, 2004 is acknowledged. The traversal is on the ground(s) that both the product and method claims recite a release member and therefore restriction is improper. This is not found persuasive because the Examiner's restriction was based on the fact that the release member of the product was "resilient" and nowhere in the process claims is a "resilient" release member required. Therefore, the process, as claimed, can be used to make a product with a non-resilient release member that would be materially different than the product as claimed. Modification of even minor parts of an invention requires additional searching on the part of the Examiner and therefore restriction to a single invention is proper.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

3. The information referred to in the information disclosure statements filed on July 16, 2004 has been considered as to the merits.

Specification

4. The abstract of the disclosure is objected to because of the use of the phrase "the invention". Correction is requested. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-24 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (6,473,313). Chen discloses a means for attaching computer components (50) in an enclosure (26) by attaching a mounting apparatus (10) to the enclosure (26) and attaching a computer component (50) to the mounting apparatus

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receive computer components (50), the means comprising: connecting a mounting apparatus (10) to a support member (unlabeled) (defined as the left hand wall of the enclosure (26)) of an enclosure (26) by attaching at least one fastener (18) of the mounting apparatus (10) to the enclosure (26) without the use of a tool (i.e. the fastener is slid into engagement with slots defined by tabs (36)(36)(38)); engaging a computer component (50) with a least one guide pin (22) of the mounting apparatus (10) that is adapted to receive computer components (50); and securing the computer component (50) to the mounting apparatus (10) by releasably engaging the computer component (50) with a release member (16)(14)(12) of the mounting apparatus (10) without the use of the tool.

With respect to claim 17, connecting a mounting apparatus (10) to a support member (unlabeled) further comprises moving the mounting apparatus (10) against the support structure (unlabeled) to slide two front fasteners (unlabeled) (defined by the 2 side edge portions of fastener (18)) and one back fastener (unlabeled) (defined by the 1 front edge portion of fastener (18)) into holes (36)(36)(38) in the support member (unlabeled) of the enclosure (26).

With respect to claim 18, a tab (34) is slid into engagement with a hole (24) in a release plunger (14) that is part of the release member (16)(14)(12). Chen does not disclose a tab on the release plunger (14) that is slid into a hole on the support member. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to reverse the tab (34) and hole (24), since it has been held that a

mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

With respect to claim 19, a computer component (50) is slid into engagement with the mounting apparatus (10) so that one guide pin (22) slides into mounting hole (54) on the computer component. Chen does not disclose two guide pins to secure the component onto the mounting apparatus. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to include two mounting tabs (22) as opposed to one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With respect to claim 20, securing the computer component (50) to the mounting apparatus (10) involves engaging the computer component (50) with the release member (16) of the mounting apparatus, moving the computer component (50) against the release member (16)(14)(12) to press the release member (16)(14)(12) toward the support member (unlabeled) as the computer component (50) is slid into position.

With respect to claim 21, the computer component (50) is moved against the release member (16) to press the release member (16) toward the support structure (unlabeled) and is then moved past the release member (16)(14)(12) so that the release member can return to its extended position (see Figure 4), and thereby securing the computer component (50) between a frame (40) of the mounting apparatus (10) and the release member (16)(14)(12).

With respect to claim 22, the computer component (50) has an edge defined by (52) that is rested on a ledge (44) attached to a frame (30) of the mounting apparatus (10) while the computer component (50) is being inserted into the enclosure (26).

With respect to claim 23, securing the computer component (50) to the mounting apparatus (10) comprises using at least one tab (34) to secure the release member (16) in a position that secures the computer component (50) on the mounting apparatus (10) and prevents substantial rotation of the computer component (50). Tab (34) interacts with slot (24) formed in element (14) of release member (16)(14)(12). This interaction prevents rotation of the release member (16)(14)(12) and thereby prevents rotation of the computer component (50).

With respect to claim 24, the edge (unlabeled) of the computer component (50) rests in a pocket (44) in the mounting apparatus to engage mounting holes (54) with pin (22) to secure the component onto the mounting apparatus. Chen does not disclose two tabs to secure the component onto the mounting apparatus. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to include two mounting tabs (22) as opposed to one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With respect to claim 26, Chen discloses a computer component (50) for mounting on a mounting apparatus (10) for receipt in an enclosure (26) wherein the computer component (50) is mounted on a mounting apparatus (10) and manipulation of a release plunger (14) which is part of release member (12)(14)(16) disengages the

computer component (50) without the use of the tool, at least one guide pin (22) of the mounting apparatus (10) is disengaged from the computer component (50) upon manipulation of the release plunger (14); and the mounting apparatus (10) is disconnected from a support member (unlabeled) by detaching at least one fastener (18) of the mounting apparatus (10) without the use of a tool.

With respect to claim 27, pressing the release plunger (14) toward the support member (30) causes sections (12) and (16) of the release member (12)(14)(16) to bow away from the component and therefore disengage pin (22) from the component (50).

With respect to claim 28, once the component (50) is moved passed the bowed portion (16) of the release member (12)(14)(16) the release member (12)(14)(16) returns to its original position.

With respect to claim 29, the mounting apparatus (10) has one guide pin (22) that upon pressing the release plunger (14) is moved away from the computer component (50) and releases the computer component (50). It would have been obvious to one having ordinary skill in the art at the time of the instant invention to include two mounting pins (22) as opposed to one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With respect to claim 30, disconnecting the mounting apparatus (10) from the support member (unlabeled) of the enclosure (26) involves detaching at least one fastener (18) of the mounting apparatus (10) from the enclosure (26) involves pulling a release plunger (14) away from the support structure to slide a tip (34) out of a hole

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(24). It would have been obvious to one having ordinary skill in the art at the time of the instant invention to reverse the tab (34) and hole (24), since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

With respect to claim 32, pressing at least one tab (14) toward the mounting apparatus (10) releases the computer component (50) and the edge of the computer component (unlabeled) is slid out of a resting pocket (44) on the frame (30) of the mounting apparatus (10).

With respect to claim 32, the computer component (50) must be slid off of the guide pin (22) and out of the support structure (26) in order for the two side edges of fastener (18) constituting two front fasteners and the front edge of fastener (18) constituting one back fastener are slid out of holes (36)(36)(38) in the support member.

As disclosed above, Chen discloses all claimed elements with the exception of the specific method steps of installing the computer component into the enclosure. Chen does reveal all claimed structural elements that make the claimed method of using possible. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to assume the steps of engaging and sliding in order to assemble the apparatus.

Allowable Subject Matter

8. Claims 25 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fisk et al. (6,404,641); Tang et al. (6,021,909); Abbott (6,609,619) ; Le et al. (6,671,180) ; Hartman et al. (US 2004/0104184) ; Yang et al. (6,318,679) ; Francovich et al. (5,828,547) ; Hsu et al. (6,813,148) ; Lee (5,397,856) ; McAnally et al. (5,680,293); Siedow et al. (6,275,382).


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
February 1, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600